

Applicant : Robert Powers et al.
Serial No. : 09/942,055
Filed : August 29, 2001
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Attorney's Docket No.: 16163-021002 / GI 5452 C1

REMARKS

In response to the Office Action mailed September 21, 2004, Applicants amended claims 10-12, 14, 18, 20-24, and 28. Claims 10-16, 18, 20-24, 26-29, 33-37, and 45-66 are presented for examination.

The Examiner rejected claim 18 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Without conceding that this rejection was appropriate, Applicants amended claim 18 to obviate this rejection, so the rejection should be withdrawn.

The Examiner rejected claims 10-16, 18, 20-24, 26-29, 33-37, and 45-66 under 35 USC §112, first paragraph for failing to comply with the written description requirement. However, the application as originally filed satisfies the written description requirement for these claims. Table I refers to exemplary portions of the application as originally filed to support Applicants' position.

Table I

<u>Claims</u>	<u>Specification</u>
10-14, 47, and 48	page 9, line 19-page 10, line 6 and page 11, lines 20-22
15	page 12, lines 1-2
16	page 10, lines 6-9
18	page 10, lines 10-19
20-22, 52, and 53	page 10, line 20-page 11, line 4
23, 24, 57, and 58	page 11, lines 15-25
26, 62, and 63	page 11, lines 5-10
27	page 10, lines 6-8 and page 12, lines 10-16
28	page 5, lines 30-31-page 6, line 1, page 6, lines 15-19 and page 9, lines 21-25
33	page 13, lines 4-6
34	page 7, line 25-page 8, line 2
35	page 12, lines 8-22
36	page 5, line 30-page 6, line 1
37	page 10, lines 6-9
45, 46, 50, 51, 55, 56, 60, 61, 65, and 66	page 16, line 25-page 17, line 14
49, 54, 59, and 64	page 17, lines 1-9

In view of the foregoing, Applicants request reconsideration and withdrawal of the rejection of claims 10-16, 18, 20-24, 26-29, 33-37, and 45-66 under 35 USC §112, first paragraph.

The Examiner further rejected claims 10, 18, 20, 23, 26, 28, and all claims dependent therefrom, under 35 U.S.C. §112, first paragraph because, in the Examiner's view, the phrase "polypeptide including as least a core region of a free RGS4 protein" was new matter. Applicants do not concede that this rejection was appropriate, but Applicants amended the claims to obviate the rejection. As a result, this rejection should be withdrawn.

The Examiner rejected claims 10-16, 18, 20-24, 26-29, 33-37, and 45-66 under 35 U.S.C §112, first paragraph for failure to satisfy the enablement requirement. Without conceding that the rejection was appropriate, Applicants amended the claims to obviate the rejection, so the rejection should be withdrawn.

The Examiner rejected claims 10-16, 18, 20-24, 26-29, 33-37, and 45-66 under 35 U.S.C §112, second paragraph for being indefinite.

In particular, the Examiner stated that the term "interact" and similar terms, as they appear in the claims, are vague and indefinite. Applicants do not concede that this basis for the rejection is appropriate. However, Applicants amended the claims to remove these terms.

The Examiner raised another basis for rejection of several other claims based on what appears to be an issue relating to the preamble of some of the claims. Specifically, some of the independent claims have a preamble that recites "A method" without further limitation in the preamble. Applicants believe that this is perfectly appropriate because the body of these claims, and their corresponding dependent claims, are clear with regard to the matter covered by the claims. In other words, one skilled in the art would understand the subject matter covered by these claims as they are currently presented without needing further limitation in the preamble.

In view of the foregoing, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C §112, second paragraph.

Applicants believe the application is in condition for allowance which action is requested.

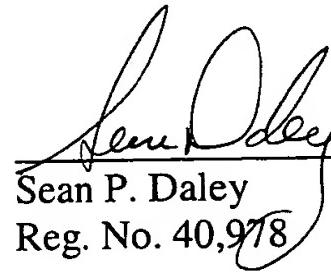
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No fees are believed to be due. However, any necessary charges or credits can be applied to deposit account 06-1050 with referenced to attorney docket no. 16163-021002.

Respectfully submitted,

Date: 11/18/04



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